

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-42 are now present in the application. Claims 1-15 and 24-34 have been withdrawn. Claims 16 and 35 are independent. Reconsideration of this application is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 20 and 39 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

Priority Under 35 U.S.C. §119

Applicants have submitted a certified copy of priority document on October 30, 2003. However, the Examiner did not acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119. Acknowledgement thereof in the next Office Action is respectfully requested.

Specification Objection

The title of the invention has been objected to due to its non-descriptiveness. In view of the foregoing amendments, it is respectfully

submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 16-19, 22, 35-38 and 41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Graettinger, U.S. Patent No. 6,348,709. Claims 21, 23, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graettinger in view of the Examiner's remarks. These rejections are respectfully traversed.

Original independent claim 16 recites a combination of elements including "a lining layer disposed on sidewalls of the gate structure, wherein the lining layer disposed on one sidewall of the gate structure is partially etched to expose the adjacent gate structure". Original independent claim 35 recites a combination of elements including "a lining layer disposed on sidewalls of the gate structure, wherein the lining layer disposed on two sidewalls of the gate structure is partially etched to expose the adjacent gate structure". Applicants respectfully submit that the above combinations of elements as set forth in independent claims 16 and 35 are not disclosed nor suggested by the reference relied on by the Examiner.

Graettinger teaches an electrical contact including a non-conductive spacer surrounding conductive plug material along the full height of the contact. Specifically, Graettinger in FIG. 17A and col. 8,

lines 34-40 discloses that a first insulating layer 1700 and a second insulating layer or ILD 1750 are deposited over the gate stacks 1620 and silicon substrate 1610.

Graettinger in Fig. 18A-19C and col. 8, line 63 to col. 9, line 5 further discloses a partially fabricated memory cell 1600 having a via or contact hole 2000 etched through the insulating layers 1750, 1700 to expose the underlying transistor area 1626.

However, the portion of the first insulating layer 1700 overlying the sidewall of the gate stack 1620 facing the contact hole 2000 is totally removed during the formation of the contact hole 2000 (see Figs. 17A, 18A and 19A). No first insulating layer 1700 remains on the sidewall of the gate stack 1620 facing the contact hole 2000. The remaining first insulating layer 1700 overlies the opposite sidewall of the gate stack 1620 entirely and a portion of top surface thereof. In other words, Graettinger's first insulating layer 1700 merely overlies one entire sidewall and a portion of the top surface of a gate structure, and is totally etched at the opposite sidewall to expose the adjacent gate structure.

Accordingly, Graettinger fails to teach "a lining layer disposed on sidewalls of the gate structure, wherein the lining layer disposed on one sidewall of the gate structure is partially etched to expose the adjacent gate structure" as recited in claim 16. Graettinger also fails to teach "a lining layer disposed on sidewalls of the gate structure, wherein the

lining layer disposed on two sidewalls of the gate structure is partially etched to expose the adjacent gate structure” as recited in claim 35.

Since Graettinger fails to teach each and every limitation of independent claims 16 and 35, Applicants respectfully submit that independent claims 16 and 35 and their dependent claims clearly define over the teachings of Graettinger. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

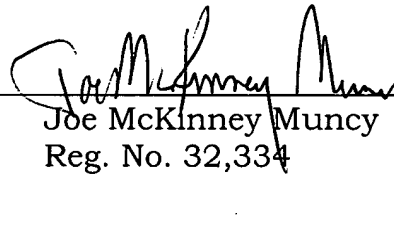
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.


In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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